

REMARKS

The present amendment is submitted in response to the Office Action mailed December 29, 2004. Claims 1-16 are currently pending in the application. By this amendment, Claims 1-7 and Claims 15-16 have been amended, Claims 8-14 have been cancelled and Claims 17-30 have been added. No new matter or issues are believed to be introduced by this amendment. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested. Accordingly, early and favorable consideration of this application is respectfully requested.

35 U.S.C. §101

Claims 1-3, 5-9 and 15 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-3, 5-7 and 15 have been amended in a manner which is believed to overcome the rejection. Claims 8-9 have been cancelled. Accordingly, withdrawal of the rejection is respectfully requested.

35 U.S.C. §102(e)

Claims 1-7, 10-13 and 15 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0038358 (hereinafter Sweatt). With regard to independent Claim 1 and Claims 2-7 which depend therefrom.

Independent Claim 1 has been amended herein to better define Applicant's invention over Sweatt. Claim 1 now recites limitations and/or features which are not disclosed by Sweatt.

Claim 1 as amended herein recites in part:

1. A data management system (100) for creating a virtual personalized television channel comprised of a plurality of concatenated content segments, the concatenated content segments being automatically played out in a substantially continuous manner in contiguous time slots, each segment being selected from one of a plurality of content providing resources wherein the selection of each content segment is strictly based on one of an explicit and implicit user-defined selection criteria independent of the content providing resource. [Emphasis Added]

With regard to independent claim 1, Sweatt does not teach or suggest creating a virtual personalized television channel comprised of plurality of concatenated content segments, as recited in amended Claim 1. In contrast, Sweatt teaches the creation of a web application (not a virtual personalized TV channel) that integrates unrelated web-hosted services with stand-alone media based devices and appliances that allows a user to access and control the media based device and/or appliance conveniently via a client user interface (e.g., a web browser) through various portals on the Internet. The example disclosed in Sweatt, starting at par. 184, merely illustrates how a web server may respond to user requests to remotely record programs on a DVR by selecting preferred programming from an EPG guide. Sweatt does not teach or disclose the creation of a virtual personalized TV channel wherein each segment is selected from one of a plurality of content providing resources, as recited in amended Claim 1. Sweatt merely describes the selection of preferred programming for recordation from a single source (i.e., a conventional TV channel associated with the EPG guide).

It is respectfully submitted that at least the limitations and/or features of Claim 1, and Claims 2-7 which depend therefrom, are believed to be patentably distinct over the Sweatt patent.

Therefore, reconsideration and withdrawal of the rejection is respectfully requested and allowance of the claims is respectfully requested.

Claims 10-13 have been cancelled and independent Claim 15 as amended recites similar subject matter as Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 15 is believed to recite statutory subject matter under 35 USC 102 and allowance of Claim 15 is respectfully requested.

35 U.S.C. §103(a)

Dependent Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sweatt in view of U.S. Patent No. 6,008,836 (hereinafter Bruck). Claim 14 has been cancelled by way of this amendment.

Dependent Claims 8-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sweatt in view of U.S. Patent No. 5,132,992 (hereinafter Yurt). Claims 8-9 have been cancelled by way of this amendment.

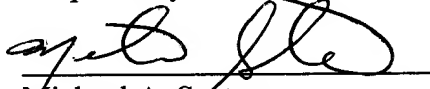
New Claims

New Claims 17-34 have been added. Claims 17-28 depend from independent Claim 1. It is respectfully submitted that for at least the reasons discussed above with respect to Claim 1, Claims 17-28 are also believed to be in condition for allowance. Method Claims 29-34 recite similar subject matter as amended Claims 1-7 and therefore contain the limitations of Claims 1-7. Accordingly, Claims 29-34 are also believed to be in condition for allowance.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-7 and 15-34 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Dicron Halajian, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-333-9607

Respectfully submitted,



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